

FAX COVER

To: Colette Vogele

Company : Vogele & Associates

Fax Number : 14153584975

From : Robert Apgood

Company : CarpeLaw PLLC

Fax Number : 206-784-6305

Subject :

Pages including cover page: 21

Time : 7:24:58 PM

Date : 7/10/08

MESSAGE

1 COLETTE VOGELE (SBN No. 192865)

Email: colette@vogelelaw.com

2 BENJAMIN COSTA (SBN No. 245953)

Email: ben@vogelelaw.com

3 VOGELE & ASSOCIATES

4 12 Geary Street, Suite 701

San Francisco, CA 94108

5 Tel: (415) 391-3311

6 Fax: (415) 358-4975

Attorneys for Plaintiff VIOLET BLUE

7
8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10
11 VIOLET BLUE, an individual,

12 Plaintiff/Counterclaim Defendant,

13 vs.

14 ADA MAE JOHNSON et al.,

15 Defendant/Counterclaim Plaintiff.

Case No.: C 07-5370 SI

PLAINTIFF VIOLET BLUE'S SECOND SET
OF REQUESTS FOR PRODUCTION TO
DEFENDANT ADA MAE JOHNSON
(Nos. 97 - 98)
AND RESPONSES THERETO

Hon. Susan Illston
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

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20 **PROPOUNDING PARTY:** Plaintiff VIOLET BLUE

21 **RESPONDING PARTY:** Defendant ADA MAE JOHNSON a/k/a ADA WOOFINDEN

22 **SET NO.:** Two (Nos. 97 through 98)

23 **PLEASE TAKE NOTICE** that, pursuant to Fed. R. Civ. P. 34, you are required to respond
24 under oath to the following requests for production and to deliver to Voge & Associates, at the
25 address above, the documents so requested within thirty (30) days of service hereof.
26

OBJECTION: Fed. R. Civ. P. 34 does not require that which Plaintiff contends it requires.

DEFINITIONS

1. "ACTION" means this Civil Action No. 07-5370 pending in the Northern District of California.

2. "AEBN" means A.E.B.N., Inc., its subsidiaries, parent companies, agents, partners, or affiliates, including, without limitation, the Adult Entertainment Broadcast Network" and AEBN.net.

3. "APPEARANCE" means any personal attendance at any event open to the public, invitees, or other ticketed attendees.

4. "AVN" means AVN Media Network, its subsidiaries, parent companies, agents, partners, or affiliates, including, without limitation, AVN.com, AVN Online, AVN Magazine, AVN Adult Entertainment Expo, and the AVN Awards Show.

5. "BETTY BANGS" means the hairstyle associated with Betty Page and generally having the characteristics of being a very dark color with short bangs.

6. "CC BILL" means CC Bill LLC its subsidiaries, parent companies, agents, partners, or affiliates, including, without limitation, ccbill.com.

7. "COMMUNICATIONS" means and refers to any verbal, written, or symbolic expressions, or interchange of any type. To the extent a Request seeks copies of oral COMMUNICATIONS, such COMMUNICATIONS may be provided by sound recording, by transcript, or by contemporaneous memoranda, including slides or computer-generated displays.

8. "DEFENDANT ASSASSIN" means Defendant Assassin Pictures, any subsidiaries, parent companies, agents, partners, or affiliates, including but not limited to Defendant Assassin Cash.

9. "DEFENDANT FIVE STAR" means Defendant Five Star Video, L.C., any subsidiaries, parent companies, agents, partners, or affiliates, including but not limited to Defendant Five Star Video Distributors.

1 10. "DEFENDANT FOX" means Defendant Bill Fox and any aliases including but not
2 limited to Bill T. Fox.

3 11. The term "DOCUMENT" has its broadest possible meaning under the Federal Rule of
4 Civil Procedure 34, includes any writing or thing, and includes the original and any non-identical
5 copy, regardless of origin or location, of any written, typewritten, drawn, charted, recorded,
6 transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, now or
7 formerly in YOUR possession, custody or control, including, but not limited to, any drawing,
8 photograph, book, pamphlet, periodical, letter, correspondence, telegram, invoice, email, contract,
9 purchase order, estimate, report, memorandum, infra-office communication, computer databases, data
10 sheets, data processing cards, tapes, disc recordings, diskettes, memoranda, work papers, work sheets,
11 work records, literature, reports, notes, drafts, diaries, messages, telegrams, books, ledgers,
12 publications, advertisements, brochures, price lists, cost sheets, estimating sheets, bills, bids, time
13 cards, invoices, receipts, purchase orders, contracts, telephone records, and any other records, writings,
14 or computer input or output, working paper, record, study, paper, chart, graph, index, and any
15 transcription(s) thereof, and all other memorialization(s) of any conversations(s), meeting(s), and
16 conference(s), by telephone or otherwise. The term "DOCUMENT" also means every copy of a
17 document where such copy is not an identical duplicate of the original, whether because of deletions,
18 underlinings, showing of blind copies, initialing, signatures, receipt stamps, comments, notations,
19 differences in stationery, or any other difference or modification of any kind.

20 12. "EXOTIC EROTIC BALL" means any event or enterprise associated with Perry Mann
21 Inc., including without limitation EEB Productions, Perry Mann, Perry Moldauer,
22 www.exoticeroticball.com, and the event in San Francisco commonly known as the Exotic Erotic Ball.

23 13. "IDENTIFY" means to provide sufficient information to enable PLAINTIFF's counsel
24 to contact any PERSON identified (including the name, employer's name, title, business, home
25 address, and telephone number), to locate, recognize, and request production of any DOCUMENT
26

1 identified, and to describe any COMMUNICATION identified (including the substance of the
2 COMMUNICATION and all PERSONS involved therein).

3 14. "PERSON" means and refers to any human being, corporation, partnership, association,
4 legal representative, trustee, trustee in bankruptcy, and/or receiver.

5 15. "PLAINTIFF" means Plaintiff Violet Blue.

6 16. "RELEVANT PERIOD" means the period starting from the earlier of January 1, 1999,
7 or one year prior to the date YOU first performed or presented YOUR image to any market or
8 audience to the present.

9 17. "PLAINTIFF'S TRADEMARK" means PLAINTIFF'S common law and federally
10 registered trademark rights in "VIOLET BLUE" (U.S. Application Serial No. 77/121,570, U.S.
11 Trademark Registration No. 3,391,010).

12 18. "VIOLETBLUE.ORG" means any website associated with that domain name,
13 including but not limited to www.violetblue.org, www.movies.violetblue.org, xxx.violetblue.org, or
14 any other similar subdomain.

15 19. "YOU," or "YOUR," means Defendant Ada Mae Johnson a/k/a Ada Woffinden, her
16 agents, employees, representatives, attorneys, accountants, brokers, consultants, and anyone else
17 acting on her behalf.

18 20. Use of the singular form of any word includes the plural and vice versa.

19 **INSTRUCTIONS**

20 1. YOUR response to these Requests for Production will include all DOCUMENTS and
21 information within YOUR possession, custody, or control including, but not limited to,
22 DOCUMENTS and information in the possession, custody, or control of any of YOUR employees,
23 accountants, attorneys, brokers, consultants, or other agents or representatives.

24 2. These Requests are continuing, requiring YOU to supplement YOUR response and
25 YOUR production of DOCUMENTS in accordance with Fed. R. Civ. P. 26(e) with respect to any
26

1 DOCUMENTS and information within the scope of this request as may be located or acquired
2 following YOUR initial response.

3 3. The specific or duplicative or overlapping nature of any of the DOCUMENT
4 descriptions set forth below will not be construed to limit the generality or breadth of any other
5 DOCUMENT description contained in this or any other Request for Production of Documents.

6 4. If YOU claim any form of privilege, whether based on statute or otherwise, as a ground
7 for non-production, YOU are hereby requested to provide the following information:

8 a. for DOCUMENTS: (i) the date of the DOCUMENT; (ii) the name of the
9 DOCUMENT'S originator, the name of the PERSON(s) to whom it is addressed, and the
10 names of all PERSON(s) who were shown copies or to whom copies were distributed; (iii) a
11 general physical description of the type of DOCUMENT, and the subject matter to which it
12 pertains; (iv) the current custodian of the DOCUMENT; and (v) the precise grounds on which
13 the claim of privilege or other objection to production is based, with sufficient specificity to
14 permit the Court to make a full determination whether the claim of privilege is valid.

15 b. for oral COMMUNICATIONS: (i) the name of the PERSON making the
16 COMMUNICATION and the names of PERSONS present while the COMMUNICATION was
17 made, and, where not apparent, the relationship of the PERSONS present to the PERSON
18 making the COMMUNICATION; (ii) the date and place of COMMUNICATION; (iii) the
19 general subject matter of the COMMUNICATION; and (iv) the precise grounds on which the
20 claim of privilege or other objection to production is based, with sufficient specificity to permit
21 the Court to make a full determination whether the claim of privilege is valid.

22 5. Each request should be answered separately and in order.

23 6. If YOU are unable to respond to any request fully, supply the information that is
24 available and explain why YOUR response is incomplete, the efforts made to obtain the information,
25 and the source from which all responsive information may be obtained.
26

1 7. If, for any reason other than a claim of privilege, YOU refuse to respond to any request
2 herein, state the grounds upon which such refusal is based with sufficient particularity to permit a
3 determination of the propriety of such refusal.

4 8. If, in answering these requests, YOU claim that any request, or a definition or
5 instruction applicable thereto, is ambiguous, do not use such claim as a basis for refusing to respond,
6 but rather set forth as a part of the response the language YOU claim is ambiguous and
7 the interpretation YOU have used to respond to the individual request.

8 9. Attach or identify all DOCUMENTS referred to or used in connection with the
9 preparation of YOUR responses to these requests.

10 10. If any DOCUMENT requested herein was at one time in existence, but has been lost,
11 destroyed, transferred voluntarily or involuntarily to others, not subject to YOUR control or otherwise
12 disposed of, or if any DOCUMENT responsive to any request exists, but is not available, IDENTIFY
13 in writing each such DOCUMENT and provide the following information: (i) the date or approximate
14 date it was lost, transferred, destroyed, or otherwise disposed of; (ii) the circumstances and manner in
15 which it was lost, transferred, destroyed, or otherwise disposed of; (iii) the reason or reasons for
16 disposing of the DOCUMENT (if discarded or destroyed); (iv) the identity of all PERSON(s)
17 authorizing or having knowledge of the circumstances surrounding the disposal of the DOCUMENT;
18 (v) the identity of the PERSON(s) who lost, transferred, destroyed or otherwise disposed of the
19 DOCUMENT; and (vi) the identity of all PERSON(s) having knowledge of the contents thereof.

20 11. Each Request applies to the RELEVANT PERIOD unless otherwise indicated.

21 12. Each of the foregoing definitions and instructions is hereby incorporated by reference
22 into, and shall be deemed a part of, each and every other definition and instruction contained herein as
23 well as each specific request set forth below.

24 //

25 //

1 Dated: May 14, 2008

2 VOGELE & ASSOCIATES

3 By: 
4 Colette Vogele

5 Attorneys for Plaintiff VIOLET BLUE
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DECLARATION OF SERVICE

I, Benjamin A. Costa, hereby declare:

I am over eighteen years of age and not a party to the within cause. My business address is 12 Geary Street, Suite 701, San Francisco, CA 94108. On May 14, 2008, I served a copy of PLAINTIFF VIOLET BLUE'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ADA MAE JOHNSON a/k/a ADA WOOFINDEN (Nos. 97-98) on the following, by placing the same in an envelope addressed as follows:

Robert S. Apgood
CarpeLaw PLLC
2400 NW 80th Street #130
Seattle, WA 98117

Said envelope was then, on said date, sealed and deposited in the United States mail at San Francisco, California, San Francisco County, the county in which I am employed, with the postage thereon fully prepaid.

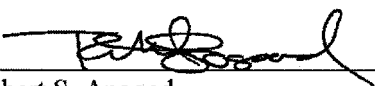
I declare under penalty of perjury that the foregoing is true and correct. Executed on May 14, 2008 at San Francisco, California.

Paul

Benjamin A. Costa

CERTIFICATION

The undersigned attorney has read the foregoing Responses to Plaintiff Violet Blue's Second Set of Requests For Production To Defendant Ada Mae Johnson a/k/a Ada Woffinden and any objections thereto, and certifies that the responses and objections are in compliance with Federal Rule of Civil Procedure 26(g).


Robert S. Apgood

DECLARATION OF SERVICE

I, Robert S. Appgood, hereby make the following Declaration from personal knowledge that on July 10, 2008, I served the foregoing:

1. Plaintiff Violet Blue's Second Set Of Requests For Production To Defendant Ada Mae Johnson **And Responses Thereto**; and
2. this Declaration

by depositing copies thereof in the U.S. Mail, postage prepaid to:

Colette Vogele
Benjamin Costa
Vogele & Associates
12 Geary St., Ste. 701
San Francisco, CA 94108

I herby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 10th day of July 2008 at Seattle, Washington.

CARPELAW PLLC

s/ Robert S. Appgood

Pro Hac Vice

WSBA # 31023

CARPELAW PLLC

2400 NW 80th Street #130

Seattle, WA 98117-4449

Telephone: (206) 624-2379

Facsimile: (206) 784-6305

E-mail: rob@carpelaw.com

Yahoo! Address Book - violetblue418

6/20/08 3:49 PM

REDACTED

YAHOO! Address Book

Aaron

Adam and Eve (*Strotter*)

Aftershock Media

Alexis On Fire - alexisfyre

All Media Play (*Jeff*)

AMA Content (*Eric*)

Anabolic (*Suzanne*)

Ass In Cage Entertainment

Astroglide - mrastroglide

Bad Ass Frank

Bad Ass Frank (*Frank*)

Bill Fox

Bad Ass Modeling

Assassin Pictures

Bill Fox

Blonde Video

Bondage By Request

Bordello Noir

Brad Thomas

Brazzle Modeling

Brian Bradley

Calendar Creations (*Brian*)

Carbon Based Films

Christopher Lorenzo

Cliff Prescott

Total Look Studios

Dallas Video Productions

CP Pharmaceutical

D Lew - dlewoxx

Donovan Trent

Dustin Woffinden (*Dust*)

Evolution Erotica (*Tom*)

Fantasy Content (*Dan*)

Flynns Video Store

Frederico (*Area101*)

Frontline Film

Gold Team Production

Heather Fire Magic

Hollywood

Jack Napier - xxx Rated_wolf

Jacklyn Lick

REDACTED

Yahoo! Address Book - violetblue418

6/20/08 3:49 PM

Jay Allan

Jeff A55 Films

Joel Lawrence

John Stutz (Dean)

Jon Finburg

Julie Night - miss_julie_night

Kamikaze Stunts Centauri -

Kick Ass Pictures (Vic)

Kink Inc

Knob Ryder

KSEXradio.com

Lime Light Girls

Little Gray Guy (Marco)

Louis Depaz - louisdepaz

Madness Pictures

Make Your Own Dildo

Mark

Media Plus Magazine (Wyatt)

MLanza Playboy

Pamela Peaks

Pastease

Paul Nathan

Ron

Roy Garcia

TY Management

Sardos Bar

Sascha

Shylar

Simon Saint

Sinulate

Sky Blue

Slain Wayne

Smash Pictures (Stuart)

South Bay Productions

Stoney Curtis

Stylez

Sun

Suze Randell

Sweet Fire Eater - sweetfireeater

DVSX

(LFP)

Tallen

TC Video

REDACTED

Yahoo! Address Book - violetblue418

6/20/08 3:49 PM

Tee Reel**Toyzz.com****Trinity Page****Tyce Bune****Vic** (*Kick Ass Vic*)**Video Team** (*Steve*)**Wankus****Web, Video, Film, Technology****Web, Video, Film, Technology****West Coast Productions****Wicked Pictures****XXX Con**

Print Date: 06/20/2008 03:46 pm

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Print

Page 1 of 1

REDACTED

From: Nname Jane (
To:
Date: Wednesday, July 2, 2008 1:55:03 PM
Subject: Violet Blue Temporary Injunction

Hello! Attached is the injunction I called you about regarding the use of the name Violet Blue. My new name is Nname Jane if you wish to change the name on the boxcovers of the films I've been in for your company.

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Page 1 of 1

REDACTED

From: Nname Jane ()

To:

Date: Wednesday, July 2, 2008 1:53:16 PM

Subject: Violet Blue Temporary Injunction

Hello Gabor, here is that injunction I spoke with you on the phone about. My new name is Nname Jane in case you decided to change it on the box covers.

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Page 1 of 1

REDACTED

From: Nname Jane ()
To: Omar
Date: Wednesday, June 25, 2008 1:12:24 PM
Subject: Re: temporary injunction

Everything going great. Hows your new grandbaby doing? When you wanna shoot again? Love, Ada

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----- Original Message -----

From: Omar < >
To: nname: @om
Sent: Friday, June 20, 2008 4:58:47 PM
Subject: Re: temporary injunction

You'll always be Violet Blue in my heart :)

I hadn't seen it, and will get on it.

Hope all is well,
Omar

On 6/20/08 4:48 PM, "Nname Jane" < > wrote:

> Hey Omar, I just wanted to make sure you got a copy of the temporary injunction
> against the use of the name Violet Blue. Be sure to update your box covers to
> the name Nname Jane for me. Injunction is attached. Love, Ada
>
>
>

--
Omar
Bellezza Video

Print

Page 1 of 1

From: Noname Jane ()
To:
Date: Wednesday, July 2, 2008 2:30:22 PM
Subject: Violet Blue Injunction

REDACTED

Hello Dominic, sorry I rushed to get off the phone, but I was on a cordless and the battery started to die! Here is the temporary injunction order I told you about regarding the use of the name Violet Blue. My new name is Noname Jane so if you decide to change the boxcovers I'd be grateful if you used my new name. Thanks so much for your time. Ada Woffinden

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Print

Page 1 of 1

From: Noname Jane () 1)
To:
Date: Wednesday, July 2, 2008 2:26:53 PM
Subject: Violet Blue Injunction

REDACTED

Hello! I've attached the temporary injunction order we spoke about on the phone. My new name is Noname Jane if you'd like to reflect that on the new boxcovers. Thanks so much! Ada Woffinden

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Print

Page 1 of 1

From: Noname Jane ()

To:

Date: Wednesday, July 2, 2008 2:24:56 PM

Subject: Violet Blue Injunction

REDACTED

Hello Suzzie, I've attached the temporary injunction order. My new name is Noname Jane if you wish to put that on the boxcovers with me in it. Thanks, Ada Woffinden

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